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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,422	07/02/2001	Hiroaki Shinohara	50R4615	1895
36738 7590 03/31/2009 ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101				
EXAMINER				
SHIBRU, HELEN				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
03/31/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/898,422

**Applicant(s)**

SHINOHARA, HIROAKI

**Examiner**

HELEN SHIBRU

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12, 13, 15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 13, 15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. In view of the appeal brief filed on 04/10/2006, PROSECUTION IS HEREBY REOPENED. The Examiner has specific knowledge of reference Mankovitz et al. (US Pat. No. 5,541,738) combined with Killian et al. (US Pat. No. 6,613,316) and Allard et al. (US PG PUB 2004/0005923) would render claims 12-13, 15, and 17-19 unpatentable. This Office Action is non-final due to the newly combined references.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-13, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (US Patent No. 5,541,738) in view Killian (US Patent No. 6,613,316) and further in view of Allard (US PG PUB 2004/0005923).

Regarding claim 12, Mankovitz discloses a system for linking content to viewing and recommendations, comprising:

means for selecting alphanumeric characters (See figure 1 remote (75) and figure 7 where Mankovitz shows the capability of displaying program guide information where the program guide information include text information such as title of the program, and see also col. 11 lines 46-52, see also col. 3 line 60-col. 4 line 8 where Mankovitz discloses a plurality of alphanumeric characters, see also col. 1 lines 52-57

and col. 11 lines 46-48 where Mankovitz discloses the program guide is available as a prerecorded guide on a tape to be purchased, see also col 10 lines 45-51 where Mankovitz teaches the user selects programs to be recorded from the program guide text either by selecting and entering the information related to the "PULSECODE<sup>TM</sup>", or starting recording if the selected program is being broadcast (col. 12 lines 47-50)); means for receiving the alpha numeric character (see the capability of displaying the video information on a display apparatus in figure 1 and col. 4 lines 12-15); means responsive to the means for selecting for automatically accessing a source of recommended viewing (see col. 10 lines 40-51 where Mankovitz describes the capability of performing schedule recording of broadcasted programs in the recorder based on user selection of specific programs information from the displayed program guide information).

Claim 12 differs from Mankovitz in that the claim further requires a system for linking content to shopping recommendation.

In the same field of endeavor Killian discloses and means responsive to the means for selecting for automatically accessing a source of recommended viewing and/or shopping (see col. 7 lines 36-40 where Killian discloses interactive television programming such as for shopping, advertising, see col. 7 lines 49-64 where Killian discloses constructing and modifying viewer profiles according to user preferences (referring to selection), and constructing electronic schedule displays according to viewer profiles and selected program listing information, see figure 3 suggest module (76) and see col. 10 line 61-66 where Killian discloses suggest module 76 access

program listing information to generate preferred programming schedule that may be desirable for viewing or recording (referring to recommended viewing), see also col. 11 lines 50-53 where Killian discloses suggest module access programs using user profile).

Therefore in light of the teaching in Killian it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz by including shopping recommendation in order for the viewer to get desirable additional products.

Claim 12 further differs from both Mankovitz and Killian in that the claim further requires the alpha numeric characters (program guide) are part of a DVD content.

Although Mankovitz discloses the program guide may have been purchased with the tape (see col. 11 lines 46-48), Mankovitz fails to disclose the program guide may store or purchased with DVD.

In the same field of endeavor Allard discloses storing alphanumeric string on a DVD (see paragraph 113). Therefore it would have been obvious to one of ordinary skill in the video/recording and reproducing art at the time the invention was made to substitute Mankovitz tape with DVD in order to increase recording density. See also the additional prior arts cited below that supports storing alphanumeric character in DVD is well known.

Regarding claim 13, Killian discloses means for storing at least some of the content (see abstract and claim 20 of Mankovitz). See also Killian's platform 12 and recorder 20 in figure 1, and col. 3 lines 7-12, platform 12 supports to record viewing opportunities.

Regarding claim 15, Mankovitz discloses means for selecting is a user input device (see abstract and claim 20). See also Killian figure 1 component 42 and col. 4 lines 55-64 and col. 9 lines 36-42).

Regarding claim 17, Killian discloses the means for receiving includes a personal video recorder (see figure 1 component 26 and col. 4 lines 55-59). See also Mankovitz's figure 1 VCR 1 and col. 10 lines 40-51.

Regarding claim 18, Killian discloses the feature of the source of recommended viewing and/or shopping communicates with a WAN as specified thereof is present in Killian. (See Killian's Figure 1, component 14 and also col. 3 lines 43-50, the internet shown in figure 1 to be linked to platform 12 via link 14 is connected to program listing database 48 through server 46, which contains television programming information).

Regarding claim 19, Killian discloses the feature of playing media stored content on a storage medium and sending the same to a television as specified thereof is present in Killian. (See Killian's Figure 1, components 20, 26, and 40). Mankovitz also discloses the capability of displaying the video information on a display apparatus (see figure 7).

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Copeland et al (US Pat. No. 5,659,613) discloses storing alphanumeric information in DVD.

Duda et al. (US Pat. No. 6,628,287) discloses displaying alphanumeric data that are stored in DVD.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
September 25, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621

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/Wanda L Walker/

Director, Technology Center 2600